

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

KATHLEEN MARY VIERRA,)	Case No.: 10-CV-02239-LHK
)	
Plaintiff,)	
)	ORDER DISMISSING CASE FOR
v.)	FAILURE TO PROSECUTE
)	
STEPHEN J. HUNT,)	
)	
Defendant.)	

This case was filed May 24, 2010. The Court has repeatedly set and re-set the initial Case Management Conference, but the parties have failed to file Joint Case Management Statements in advance, as required by the Local Rules. Specifically, no Joint Case Management Statements were filed before the August 31, 2010, December 14, 2010, March 29, 2011, or July 27, 2011 Case Management Conferences. The parties have also failed to appear at two Case Management Conferences set for August 31, 2010 and July 27, 2011.

In the April 7, 2011 Order setting the July 27, 2011 Case Management Conference, the Court offered to send the parties to a Magistrate Judge settlement conference, but the parties did not respond to this offer.

After the parties failed to appear at the July 27, 2011 Case Management Conference, the Court issued an Order to Show Cause why the case should not be dismissed for failure to prosecute. Plaintiff's response was due August 3, 2011, but no response was filed. The hearing on the Order to Show Cause was set for today, August 10, 2011 at 2 p.m. Plaintiff again failed to

1 appear at today's hearing. It appears that Plaintiff has abandoned this case. Accordingly, the Court
2 hereby DISMISSES this case without prejudice for failure to prosecute. The Clerk shall close the
3 file.

4 **IT IS SO ORDERED.**

5 Dated: August 10, 2011


LUCY H. KOH
United States District Judge

United States District Court
For the Northern District of California